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5 *Attorney for Plaintiff Dianna Jouan*

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7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 | DIANNA JOUAN, an individual,

11 Plaintiff.

12

13 | THE LELAND STANFORD JR.  
14 | UNIVERSITY a California corporation; and  
DOES 1 through 10, inclusive.

15 Defendants.

CASE NO.:

**COMPLAINT FOR DAMAGES FOR  
VIOLATION OF FAMILY MEDICAL  
LEAVE ACT (29 U.S.C. § 2615);  
RETALIATION IN VIOLATION OF THE  
CALIFORNIA FAMILY RIGHTS ACT  
(CAL. GOV'T CODE § 12940); AND,  
DEFAMATION.**

**DEMAND FOR JURY TRIAL**

18 Plaintiff DIANNA JOUAN (herein “Plaintiff” or “JOUAN”), for claims for relief against  
19 Defendant THE LELAND STANFORD JUNIOR UNIVERSITY (herein “Defendant” or  
20 “STANFORD”) alleges:

## **NATURE OF THIS ACTION**

22           1.        This is an action for relief from Defendants' violations of the Family Medical  
23 Leave Act (herein "the FMLA"), the California Government Code, and the California Civil  
24 Code.

2. Plaintiff is an individual who was eligible for FMLA leave who had requested  
26 FMLA leave. Defendants harassed and retaliated against Plaintiff following her return from  
27 FMLA leave.

1           3. Plaintiff seeks compensatory, liquidated, general and punitive damages,  
2 reasonable attorneys' fees, and costs, as well as other appropriate relief as determined by this  
3 court, for Defendants' violations of his rights.

## **JURISDICTION, VENUE AND INTRADISTRICT ASSIGNMENT**

5           4. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and  
6 1367.

7       5.     Venue is proper in the Northern District of California pursuant to 28 U.S.C. §  
8 1391(b), because the events giving rise to Plaintiff's claims occurred in this District.

9       6. Pursuant to Northern District Local Rule 3-2 (c) & (e) this action should be  
10 assigned to San Jose, California, as the actions giving rise to Plaintiff's claims took place in  
11 Santa Clara County.

12       7.       On or about June 8, 2022, Plaintiff received a right-to-sue letter from the  
13 Department of Fair Employment and Housing. A true and correct copy of this letter is attached  
14 hereto as Exhibit A.

## PARTIES

16 8. Plaintiff is a U.S. citizen and a resident of Santa Clara County in this judicial  
17 district.

18 9. Plaintiff is informed and believe and based thereon alleges that Defendant is a  
19 California corporation, headquartered at 450 Jane Stanford Way, Bldg. 10, Stanford, CA 94305,  
20 and licensed to do business in California under Entity Number 1264149.

21 10. Plaintiff began working for Defendant on or about February 1, 2004

22        11. At the time that she took leave, Plaintiff was an otherwise qualified person within  
23 the meaning of the Family Medical Leave Act (“FMLA”).

24       12. Plaintiff worked for Defendant in excess of one year, and in excess of 1,250 hours  
25 in the year immediately prior to requesting leave in 2021.

26       13. Plaintiff is informed and believes and based thereon alleges that Defendant is an  
27 employer as defined by 29 C.F.R. §825.104, as it is engaged in commerce or activity affecting  
28 commerce and employs fifty or more people.

1       14. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as  
2 Does 1 to 10 and therefore sue those Defendants by such fictitious names. Plaintiff will amend  
3 this complaint to allege their true names and capacities when ascertained. Plaintiff is informed  
4 and believes and thereon alleges that each of those fictitiously named Defendants is responsible  
5 in some manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged  
6 were proximately caused by the aforementioned Defendants.

7       15. Plaintiff is informed and believes and thereon alleges that each of the Defendants  
8 herein were, at all times relevant to this action, the agents, employees, representing partners,  
9 supervisors, managing agents, joint venturers, joint employers of the remaining Defendants and  
10 were acting within the course and scope of that relationship. Plaintiff is further informed and  
11 believes and thereon alleges that each of the Defendants gave consent to, ratified, and authorized  
12 the acts alleged herein to each of the remaining Defendants. Defendants are sued both in their  
13 own right and on the basis of *respondeat superior*.

## **FACTS COMMON TO ALL CAUSES OF ACTION**

15           16. Plaintiff began her employment as the Curriculum Manager with Defendant's  
16 Office of Medical Education.

17 17. Plaintiff is currently employed by Defendant and her current position is Associate  
18 Director of Finance and Administration, a position she has held since approximately June 2018.

18. On or about February 17, 2021, Plaintiff requested protected leave pursuant to the  
FMLA and took that leave from February 22, 2021 through March 7, 2021.

19. On or about March 8, 2021, Plaintiff returned to work with an accommodation  
20 limiting her work hours to twenty per week for the first two weeks of her return to work.

23       20. Despite these accommodations being “approved,” upon her return, Plaintiff’s  
24 supervisor Director of Finance and Administration for the Department of Radiology, Yun-Ting  
25 Yeh, presented Plaintiff with a workload far exceeding her approved twenty-hour workweek  
26 accommodation.

27        21. On or about March 16, 2021, Plaintiff informed Ms. Yeh that she would need hip  
28 surgery in the future and would need to take further leave.

1       22. In or around the end of March 2021, Ms. Yeh gave Plaintiff negative feedback for  
2 the first time in Plaintiff's long tenure working for Defendant. The feedback provided by Ms.  
3 Yeh was specifically that two of Plaintiff's direct reports who had resigned complained about  
4 Plaintiff during their exit interviews. However, Ms. Yeh was forced to later admit that the direct  
5 reports had not actually complained about Plaintiff.

6       23. On or about May 3, 2021, Ms. Yeh told Plaintiff that "she was not a good fit for  
7 Radiology," and asked her to find a new position outside the department.

8       24. Thereafter, Plaintiff made repeated efforts to apply for alternative positions, but  
9 only days after submitting her applications, she discovered that the status of those applications  
10 was listed as "no longer under consideration."

11       25. On or about June 28, 2021, Ms. Yeh expressed to Plaintiff that her, "professional  
12 future is elsewhere," and that she would be, "performance managed out of the department," if  
13 she did not find a new job by September 2021.

14       26. On or about July 1, 2021, Plaintiff complained to Defendant's Human Resources  
15 (herein "HR") Administrator for the Department of Radiology, Ruth Reyes-Johnson that she had  
16 been the victim of hostile treatment and was being retaliated against for taking protected leave.

17       27. On or about July 12, 2021, Plaintiff informed Ms. Yeh that she would need to take  
18 protected leave for hip surgery. Even though Plaintiff was eligible for protected leave and had  
19 previously put off surgery, which would leave her in pain and on pain medication, Ms. Yeh  
20 requested that Plaintiff make efforts to work while on leave.

21       28. On or about July 20, 2021, Plaintiff complained to Defendant's HR Administrator  
22 for the Department of Medicine regarding Ms. Yeh's hostile treatment, including that she had  
23 been told that she would be "performance managed out."

24       29. Thereafter, on or about July 26, 2021, Ms. Yeh presented Plaintiff with a  
25 performance evaluation replete with false statements and three years of negative content, none of  
26 which had previously been addressed with Plaintiff. When challenged by Plaintiff with the fact  
27 that the review was hostile and failed to note any of her accomplishments, Ms. Yeh stated that  
28 she "did not need to hear what [Plaintiff] did well."

1       30. Prior to the July 26, 2021 review, Ms. Yeh had never provided a written review to  
 2 Plaintiff. Moreover, the metadata found within the properties of the performance review reflect  
 3 that Ms. Yeh did not begin writing the review until approximately July 18, 2021, *after* Plaintiff  
 4 requested leave for her hip surgery.

5       31. On or about July 26, 2021, Ms. Yeh informed Plaintiff would need to make a  
 6 presentation to senior department and hospital leadership two days later at an 8am meeting. The  
 7 following morning, Ms. Yeh contacted Plaintiff and informed her that the presentation likely  
 8 would not be on the meeting agenda. Later that same day, toward the close of business, Ms. Yeh  
 9 altered her previous position and informed Plaintiff that the presentation would be on the agenda.  
 10 Despite the short turnaround and back and forth, Plaintiff provided Ms. Yeh with presentation  
 11 slides later that evening. Subsequently, less than one hour before the meeting the next morning,  
 12 Ms. Yeh requested additional data which Plaintiff was unable to provide before the meeting.  
 13 Thereafter, Ms. Yeh emailed Plaintiff to note that she failed to provide correct data at the  
 14 meeting and failed to provide the presentation slides in a timely fashion. This email contained  
 15 untrue statements of fact, in that it stated, “[u]nfortunately, this is not the first instance in which  
 16 your presentations and analyses tend to be incomplete, contain inaccuracies, and leave the  
 17 listener thinking the items have not been fully researched or vetted.”

18       32. On or about July 28, 2021, Plaintiff again complained to Ms. Reyes-Johnson  
 19 regarding Ms. Yeh’s expressed desire to performance managing Plaintiff to termination.

20       33. On or about August 5, 2021, Plaintiff complained to Defendant’s Managing  
 21 Director of Employee Relations, Dawn Freeman about Ms. Yeh’s retaliatory and harassing  
 22 behavior.

23       34. On or about August 9, 2021, Ms. Freeman wrote an email to Plaintiff informing  
 24 her that Defendant’s Employee and Labor Relations Associate, Linda Usoz, would be reaching  
 25 out to her.

26       35. On or about August 17, 2021, Ms. Usoz made initial contact with Plaintiff but did  
 27 not contact her again until January 31, 2022.

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1       36. Having not heard from Ms. Usoz, on January 24, 2022, Plaintiff emailed her to  
 2 complain about a number of issues, including without limitation: (a) Plaintiff did not receive a  
 3 FY 22 pay increase despite the fact that she did not receive a FY 21 performance evaluation and  
 4 had never been placed on a performance improvement plan while employed by Defendant; (b)  
 5 Ms. Yeh unilaterally stopped meeting with Plaintiff after December 13, 2021, despite the fact  
 6 that she continued to meet on a weekly basis with other directors and had previously had weekly  
 7 meetings with Plaintiff in the three previous years of working together; (c) Plaintiff's job duties  
 8 were being transferred to other staff within the Department of Radiology without informing  
 9 Plaintiff; (d) new staff were hired without her input or knowledge; (e) despite being encouraged  
 10 to seek a new position, and despite applying to five different positions since May 1, 2021, each  
 11 and every time Plaintiff applied for a new position, within days or weeks, she would find that her  
 12 application was listed as "no longer under consideration."

13       37. Defendant provided Plaintiff a retroactive pay increase in February 2022 but  
 14 failed to provide further information about any of her other complaints.

15       38. On or about February 24, 2021, Ms. Usoz spoke with Plaintiff for approximately  
 16 five minutes and stated she could not provide an update at that time. Thereafter, when Plaintiff  
 17 attempted to check in with Ms. Usoz on March 18, 2022, she received an automated "out-of-  
 18 office" reply from Ms. Usoz.

19       39. From the date of her return from leave in March 2021 and her second leave from  
 20 August 2021 through November 1, 2021, Plaintiff was subjected to numerous false statements  
 21 made about her work by Ms. Yeh, including without limitation, (a) statements about employees  
 22 leaving because of Plaintiff; (b) misrepresentations about Plaintiff's work on the "ValleyCare"  
 23 analysis; (c) misrepresenting Plaintiff's work on the FY22 budget; and (d) misrepresenting how  
 24 Plaintiff responded to questions related to business plans and the budget cycle.

25       40. As but one example of the demonstrably untrue statements made by Ms. Yeh  
 26 about Plaintiff to others, on or about July 23, 2021, Ms. Yeh met with Radiology Accounting  
 27 Manager Hina Qureshi and the ADFA for Surgery, Matt Bucher. During this meeting Ms. Yeh  
 28 stated that she wanted to have finance and grants managers reporting to division managers, but

1 that Plaintiff would not allow it. This statement was false as Plaintiff provided a presentation on  
2 April 22, 2020, in which she expressly stated that finance and grants managers should report to  
3 division managers. Plaintiff complained about this defamatory statement to Ms. Usoz on or about  
4 August 11, 2021.

5       41.     As another example of demonstrably untrue statements of fact made by Ms. Yeh  
6 about Plaintiff, in or around March 2022, Plaintiff was falsely accused of pressuring faculty to  
7 sign a Quarterly Financial Certification of Sponsored Research, which she did not do. The  
8 Administrative Assistant to the Chair of the Radiology Department, Jeslyn Rumbold,  
9 acknowledged in writing that Plaintiff had not pressured the Chair of the Radiology Department,  
10 Dr. Garry Gold, to sign the certification and instead had told him that he did not have to sign the  
11 certification. Even though this was demonstrably untrue, Ms. Yeh told Dr. Gold to “scold”  
12 Plaintiff.

13       42. Ms. Yeh's continues to harass Plaintiff and make untrue statements about her,  
14 despite knowing that this treatment has had an impact on Plaintiff's health and well-being.  
15 Despite this knowledge, Defendant has failed to take any steps to remedy Plaintiff's complaints  
16 of retaliation and harassment.

**FIRST CAUSE OF ACTION**  
**Discrimination in Violation of FMLA**  
**(29 U.S.C. §§2601-2619; 29 U.S.C. §§ 2651-2654)**

19       43. Plaintiff re-alleges and incorporates by reference all the above paragraphs as if  
20      they were set forth here in full.

21       44. 29 U.S.C. § 2615(a)(2) makes it unlawful for an employer to discharge or in any  
22 other manner discriminate against any individual for requesting FMLA leave.

23 45. Plaintiff's manager has made repeated efforts to "performance manage" Plaintiff  
24 out of her position since she returned from protected leave in March 2021.

25       46. By reason of the conduct of Defendants, Plaintiff has necessarily retained  
26 attorneys to prosecute this action. Plaintiff is therefore entitled to reasonable attorneys' fees and  
27 litigation expenses, including expert witness fees and costs, incurred in bringing this action.

1       47. As a result of Defendants' violations of the FMLA, Plaintiff has suffered past and  
2 present loss of income, mental anguish, humiliation, embarrassment, loss of enjoyment of life,  
3 loss of job identity, and other damages.

4 48. In addition to attorneys' fees and costs, Plaintiff is also entitled to backpay,  
5 liquidated damages, compensatory and punitive damages, pre- and post-judgment interest, and  
6 all other relief available under the statutes.

**SECOND CLAIM FOR RELIEF**  
**Interference with FMLA Rights**  
**(29 U.S.C. §§ 2601-2619; 29 U.S.C 2651-2654)**

9       49. Plaintiff re-alleges and incorporates by reference all the above paragraphs as if  
10 they were set forth here in full.

11       50. The FMLA, 29 U.S.C. §§ 2601-2619; 29 U.S.C. §§ 2651-2654, provides unpaid,  
12 job-protected leave for eligible employees for numerous reasons, including for reasons related  
13 personal health.

14        51. Section 105(a), 29 U.S.C. § 2615, makes it unlawful for an employer to interfere  
15 with, restrain, or deny the exercise of or the attempt to exercise FMLA rights.

16       52. Pursuant to her rights under the FMLA, Plaintiff requested protected leave in  
17 February 2021 and again in August 2021 and ultimately took protected leave pursuant to those  
18 requests.

19       53. Following her return from leave in March 2021, and after informing her  
20 supervisor that she would need additional leave in August 2021, Plaintiff has been subjected to  
21 repeated efforts to “performance manage” her out of her position, including by having false  
22 statements made about her abilities in the workplace.

23       54.    Defendant's actions in refusing to allow Plaintiff to leave without interference,  
24 and the efforts to manage her out of her position constitutes unlawful interference with Plaintiff's  
25 rights under the FMLA.

26       55. By reason of the conduct of Defendant, Plaintiff has necessarily retained attorneys  
27 to prosecute this action. Plaintiff is therefore entitled to reasonable attorneys' fees and litigation  
28 expenses, including expert witness fees and costs, incurred in bringing this action.

1       56. As a result of Defendant's violations of the FMLA, Plaintiff has suffered, mental  
2 anguish, humiliation, embarrassment, loss of enjoyment of life, loss of job identity, and other  
3 damages.

4        57. In addition to attorneys' fees and costs, Plaintiff is also entitled to liquidated  
5 damages, compensatory and punitive damages, pre- and post-judgment interest, and all other  
6 relief available under the statutes.

**THIRD CLAIM FOR RELIEF**  
**Retaliation in Violation of Public Policy**  
**(Cal. Gov't. Code § 12940(h))**

9 58. Plaintiff re-alleges and incorporates by reference all the above paragraphs as if  
10 they were set forth here in full.

11        59. Following Plaintiff's use of leave protected by the California Family Rights Act,  
12 she has been subjected to repeated efforts to performance manage her out of her position. She  
13 has also been subjected to efforts to prevent her from transferring to a different department and  
14 has been subjected to repeated false statements made about her abilities in the workplace.

15 60. Plaintiff has repeatedly complained about her supervisors harassing and  
16 retaliatory treatment of her and these complaints have been unresolved for approximately 10  
17 months, during which time the harassing and retaliatory treatment by her manager has continued.

18       61. As a direct and proximate result of his termination, Plaintiff has suffered, mental  
19       anguish, humiliation, embarrassment, loss of enjoyment of life, loss of job identity, and other  
20       damages.

21       62. On information and belief, in doing the acts herein alleged, Defendant acted with  
22 oppression, malice, and in conscious disregard of Plaintiff's rights and she is therefore entitled to  
23 exemplary damages in an amount according to provide at trial.

24       63. As a further proximate result of Defendant's conduct, Plaintiff was required to  
25 and did retain attorneys and is therefore entitled to an award of attorneys' fees and costs  
26 according to proof.

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**FOURTH CLAIM FOR RELIEF**  
**Defamation**

64. Plaintiff re-alleges and incorporates by reference all the above paragraphs as if they were set forth here in full.

65. Defendant knowingly made false statements about Plaintiff including without limitations:

- a. That two of Plaintiff's direct reports who had resigned complained about Plaintiff during their exit interviews;
- b. That Plaintiff would "not allow" Ms. yeh to have finance and grants managers reporting to division managers; and
- c. That Plaintiff pressured faculty to sign Quarterly Financial Certification of Sponsored Research;

66. Each of the statements above were made by Plaintiff's supervisor Ms. Yeh, and were made to Plaintiff's co-workers, including to Jeslyn Rumbold, Dr. Garry Gold, Hina Qureshi and Matt Bucher.

67. Defendant failed to use reasonable care to determine the truth or falsity of the statements.

68. Defendant did not have reasonable grounds for believing the untrue statements to be true.

69. Defendant's employee, Ms. Yeh, knew the statements were untrue at the time she stated them and she made those untrue statements in the context of wanting to performance manage Plaintiff out of her role in Ms. Yeh's department.

70. Defendant did not perform an investigation into the truth or falsity of these statements and was therefore reckless in failing to adequately investigate the truth of the untrue statements described above

71. Plaintiff suffered damages because of these false statements described above and the statements were a substantial factor in causing those damages

72. Plaintiff suffered non-economic damages including harm to her personal and professional reputation.

73. In doing the acts alleged herein, Defendant acted with oppression, fraud, malice, and in conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to exemplary damages in an amount according to proof at the time of trial.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this court:

8           1.     Order Defendant to pay Plaintiff for the wages, salary, employment benefits,  
9 pension benefits, and other compensation denied or lost to Plaintiff by reason of Defendant's  
10 violations of the law, in an amount to be proven at trial;

11           2.     Order Defendant to pay Plaintiff compensatory damages for Plaintiff's emotional  
12 pain and suffering.

13                   3.       Order Defendant to pay Plaintiff exemplary damages;

14 4. Order Defendant to pay Plaintiff liquidated damages;

15           4.     Order Defendant to pay Plaintiff reasonable attorneys' fees, reasonable expert  
16 witness fees, and other costs of the action;

17           5.     Order Defendant to pay Plaintiff interest on such damages as are appropriate,  
18 including pre- and post-judgment interest; and

19 6. Grant such other and further relief as this court may deem proper and just.

## JURY DEMAND

Plaintiff demands trial by jury of all claims and causes of action so triable.

Dated: June 27, 2022

Respectfully submitted,

## QUINTANA HANAFI, LLP

By:   
Rory C. Quintana  
*Attorney for Plaintiff Dianna Jovan*

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3 **EXHIBIT A**  
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**EXHIBIT A**



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

June 8, 2022

Rory Quintana  
870 Market St., Ste. 819  
San Francisco, CA 94102

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 202206-17240808  
Right to Sue: Jouan / The Leland Stanford Jr. University

Dear Rory Quintana:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
 (800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

June 8, 2022

**RE: Notice of Filing of Discrimination Complaint**  
 DFEH Matter Number: 202206-17240808  
 Right to Sue: Jouan / The Leland Stanford Jr. University

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlinerequests@dfeh.ca.gov](mailto:DRDOnlinerequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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### Department of Fair Employment and Housing

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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June 8, 2022

Dianna Jouan  
 5104 Westmont Ave., Unit 12  
 San Jose, California 95130

**RE: Notice of Case Closure and Right to Sue**  
 DFEH Matter Number: 202206-17240808  
 Right to Sue: Jouan / The Leland Stanford Jr. University

Dear Dianna Jouan:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 8, 2022 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlinerequests@dfeh.ca.gov](mailto:DRDOnlinerequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION  
BEFORE THE STATE OF CALIFORNIA  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)**

## **In the Matter of the Complaint of**

Dianna Jouan

DFEH No. 202206-17240808

Complainant,

vs.

The Leland Stanford Jr. University  
450 Jane Stanford Way, Bldg. 10  
Stanford, CA 94305

## Respondents

**1. Respondent The Leland Stanford Jr. University** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

**2. Complainant Dianna Jouan, resides in the City of San Jose, State of California.**

3. Complainant alleges that on or about **June 8, 2022**, respondent took the following adverse actions:

**Complainant was harassed** because of complainant's disability (physical or mental), family care or medical leave (cfra).

**Complainant was discriminated against** because of complainant's disability (physical or mental), family care or medical leave (cfra) and as a result of the discrimination was denied hire or promotion, reprimanded, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer, denied family care or medical leave (cfra).

**Complainant experienced retaliation** because complainant requested or used a disability-related accommodation, requested or used family care or medical leave (cfra) and as a result was denied hire or promotion, reprimanded, denied any employment benefit or

1 privilege, denied work opportunities or assignments, denied or forced to transfer, denied  
 2 family care or medical leave (cfra).

3 **Additional Complaint Details:** I began working with Stanford on or about February 1, 2004,  
 4 as the Curriculum Manager with the Office of Medical Education. Throughout the eighteen  
 5 years of my employment with Stanford, I received numerous raises, bonuses and  
 6 promotions, culminating in my current position of Associate Director of Finance and  
 7 Administration (herein "ADFA"). I achieved the position of ADFA in or around June 2018,  
 8 and through my request for leave on or about February 17, 2021, I received recognition,  
 9 including raises, spot-bonuses and positive performance reviews, which reflected the  
 10 unequivocally positive perception of my work.

11 From approximately February 22, 2021, until March 7, 2021, I was on protected CFRA  
 12 leave. Thereafter, on or about March 8, 2021, I returned to work with an accommodation  
 13 limiting my work hours to twenty per week for my first two weeks of work. Despite these  
 14 accommodations being "approved," upon my return, my supervisor, DFA Yun-Ting Yeh  
 15 (herein "Yeh"), presented me with a workload far exceeding my approved twenty-hour  
 16 workweek accommodation.

17 On March 16, 2021, I proactively informed Ms. Yeh that I may need hip-surgery in the future.  
 18 Around this time, and still less than one month following my return from protected leave, Ms.  
 19 Yeh gave me negative feedback for the first time; however, the feedback from Ms. Yeh was  
 20 not based on express complaints. Instead, Ms. Yeh gave me purported negative feedback  
 21 from two of my direct reports who had resigned. Ms. Yeh later admitted those direct reports  
 22 had not actually complained about me.

23 Even though Ms. Yeh had not actually received negative feedback about me, and despite  
 24 my positive eighteen-year tenure with Stanford, on or about May 3, 2021, Ms. Yeh informed  
 25 me that I "was not a good fit for Radiology" and asked me to find a new job outside of the  
 26 department. Thereafter, I made efforts to apply for another position, and applied for two  
 27 separate DFA positions. However, when I checked the status of my applications just two  
 28 days later, I discovered their status was listed as, "no longer under consideration."

29 On or about June 28, 2021, Ms. Yeh expressed that my "professional future is elsewhere,"  
 30 and that I would be "performance managed out of the department," if I did not find a new job  
 31 by September 2021. Based on Ms. Yeh's unwarranted hostility following my return from  
 32 leave, on July 1, 2021, I complained to Ruth Reyes-Johnson, the Human Resources  
 33 Administrator for the Radiology Department (herein "Reyes-Johnson"), that I had been the  
 34 victim of hostile treatment and was being retaliated against for taking protected leave.

35 On or about July 12, 2021, I informed Ms. Yeh that I would need to take protected leave for  
 36 hip surgery, which I had previously discussed the need for with Ms. Yeh on March 16, 2021.  
 37 Despite the protected nature of my leave request, and despite knowing I would be both in  
 38 pain and on pain medication, Ms. Yeh requested that I make efforts to work while on leave.  
 39 On or about July 20, 2021, I complained to Deitria Chapman, an HR Administrator in the  
 40 Department of Medicine regarding Ms. Yeh's hostile treatment, including that I had been told  
 41 I would be "performance managed out." Subsequently, the next week, on July 26, 2021, Ms.  
 42 Yeh presented me with a performance evaluation replete with defamatory statements and  
 43 three years of negative content, none which had ever been discussed with me. When I  
 44 challenged Ms. Yeh with the fact that the review was hostile and failed to note any of my  
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1 accomplishments, Ms. Yeh stated that she did not “need to hear what you did well.” In  
 2 addition to the defamatory and hostile nature of the review, and despite Ms. Yeh  
 3 documenting years of alleged performance issues, Ms. Yeh had never previously provided a  
 4 written review to me. Moreover, the metadata found within the properties of the review  
 5 reflect that Ms. Yeh did not begin writing the review until on July 18, 2021, after I requested  
 6 leave for her hip surgery.

7 Continuing Ms. Yeh’s efforts to “performance manage” me out of her position, on July 26,  
 8 2021, the same day she presented the review, Ms. Yeh informed me that I needed to make  
 9 a presentation to senior department and hospital leadership two days later at an 8am  
 10 meeting. The following morning, Ms. Yeh contacted me and informed me that my  
 11 presentation might not be on the meeting agenda. That same afternoon, near the close of  
 12 business, Ms. Yeh altered her position again and informed me that the presentation would  
 13 be on the agenda. Despite the back and forth and short turnaround, I provided Ms. Yeh with  
 14 presentation slides later that evening. Subsequently at 7:04 the next morning, less than one  
 15 hour before the scheduled presentation, Ms. Yeh requested additional data which I was  
 16 unable to provide before the meeting. Thereafter, Ms. Yeh emailed me to note that I failed to  
 17 provide correct data at the meeting and failed to provide the presentation slides in a timely  
 18 fashion. This email contained untrue statements, in that it stated, “[u]nfortunately, this is not  
 19 the first instance in which your presentations and analyses tend to be incomplete, contain  
 20 inaccuracies and leave the listener thinking that items haven’t been fully researched or  
 21 vetted,” and failed to provide any single example which supported this assertion.

22 Following Ms. Yeh’s criticism on July 28, 2021, I again complained to Ms. Reyes-Johnson  
 23 regarding Ms. Yeh’s hostility and her expressed efforts to performance manage me to  
 24 termination. Thereafter, on August 5, 2021, I complained to Stanford’s legal counsel in  
 25 writing regarding Ms. Yeh’s retaliatory actions. Thereafter, on August 9, 2021, Stanford  
 26 wrote me to inform her that Linda Usoz from Employee and Labor Relations would be  
 27 reaching out to me.

28 After initially discussing my complaints on or about August 17, 2021, Ms. Usoz did not  
 29 contact me again for approximately six months. While I began her leave for hip surgery on  
 30 August 18, 2021, I returned on or about November 1, 2021, and still did not hear back from  
 31 Ms. Usoz until approximately January 31, 2022, and only after I wrote to remind Ms. Usoz of  
 32 my complaint and to describe ongoing instance of retaliation she continued to endure.

33 The additional complaints I mentioned in my January 24, 2022 email to Ms. Usoz included:  
 34 (1) I did not receive a FY 22 pay increase despite the fact that I did not receive a FY21  
 35 performance evaluation and that I had never been placed on a performance improvement  
 36 plan while employed by Stanford; (2) Ms. Yeh unilaterally stopped meeting with me after  
 37 December 13, 2021, despite the fact that she continued to meet weekly with other directors  
 38 and had previously had meetings with me in the three previous years of working together;  
 39 (3) some of my job duties were being transferred to other staff in the department without  
 40 communication to me; (4) new staff were hired in my department without my input or  
 41 knowledge; and (5) despite being encouraged to find a new position, and despite applying to  
 42 five different positions since May 1, 2021, each and every time I applied for a new position,  
 43 within days or weeks I would find that my application was listed as “no longer under  
 44 consideration.”

1 VERIFICATION

2 I, **Rory C. Quintana**, am the **Attorney** in the above-entitled complaint. I have read  
3 the foregoing complaint and know the contents thereof. The matters alleged are  
4 based on information and belief, which I believe to be true.

5 On June 8, 2022, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

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San Francisco, CA